

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 25-mj- 5087

LORENZO ANTONIO LOJA- CASTRO

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 26, 2025, in the County of Erie, in the Western District of New York, the defendant, an alien, was found in the United States, after previously being removed or deported from the United States, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Sections 1326(a).

This Criminal Complaint is based on these facts:

- Continued on the attached sheet.

DAVID T
SWIECH JR

Digitally signed by DAVID T
SWIECH JR
Date: 2025.04.08 16:14:42
-04'00'

Complainant's signature

DAVID SWIECH JR.
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS
Printed name and title

Sworn to before me and signed telephonically.

Date: April 9, 2025

City and State: Buffalo, New York



Judge's signature

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **David Swiech Jr.**, Special Agent with the U.S. Homeland Security Investigations (HSI) Department of Homeland Security, having been duly sworn, states as follows:

1. I am a Special Agent with Homeland Security Investigations (HSI) and have been so employed since August 2020. I am currently assigned to the HSI Buffalo Border Enforcement Security Taskforce (BEST), a HSI sponsored law enforcement task force comprised of local, state, federal, and Canadian law enforcement officers co-located in Buffalo, New York. BEST is tasked with combatting transnational criminal organizations exploiting vulnerabilities of the shared international border. I am a law enforcement officer of the United States within the meaning of Section 115(c)(1) of Title 18, United States Code, who is “authorized by law or by Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal Criminal Law.”

2. As a Special Agent, I am a graduate of the Federal Law Enforcement Training Center (“FLETC”), where I received both academic and practical application training in surveillance and counter surveillance techniques/methods. I received instruction in Federal immigration laws, Fourth Amendment Searches and Seizures, Federal Rules of Evidence, and the execution of search warrants and arrest warrants. My job duties include investigating

individuals suspected of violating Federal immigration laws and other related federal statutes. Prior to being a Special Agent, I was employed with the U.S. Border Patrol from 2016 until 2020 as a Border Patrol Agent. My duties as a Border Patrol Agent consisted of processing individuals suspected of violating Federal immigration laws, line watch operations and roving patrols to stop the entry of illegal persons and substances attempting to enter the United States. At the U.S. Border Patrol Academy, I learned how to communicate in the Spanish language to complete my job duties. Prior to employment with the U.S. Border Patrol, I graduated with a Bachelor's Degree in Criminal Justice in 2014.

3. I make this affidavit in support of a criminal complaint charging **LORENZO ANTONIO LOJA-CASTRO**, an alien, born in 2002 in Ecuador, and currently a citizen of Ecuador, with violating Title 8 United States Code, Section 1326(a) (Re-entry of Removed Aliens).

4. The statements contained in this affidavit are based upon my personal knowledge and upon information provided to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that **LOJA-CASTRO** did knowingly violate Title 8 United States Code, Section 1326(a).

PROBABLE CAUSE

5. In March 2025, HSI Buffalo received information regarding suspected illegal aliens working construction at certain townhomes in Hamburg, NY. The information stated that the suspected illegal aliens were creating unsafe living conditions for tenants. Particularly, tenants could not communicate with the workers, and the workers continue to block tenant units.

6. On or about March 26, 2025, an HSI-led team of law enforcement officers conducted surveillance in Hamburg, NY. Law Enforcement observed several construction workers at the location. The workers were approached by Immigration Officials and questioned as to their citizenship. Special Agents (SA) David Swiech Jr. and Richard Smith approached **LOJA-CASTRO** and asked if he spoke English. **LOJA-CASTRO** responded that he did not. SA Swiech asked **LOJA-CASTRO** in the Spanish language of what country he was a citizen. **LOJA-CASTRO** responded from Ecuador. SA Swiech asked **LOJA-CASTRO** if he had any immigration documents to be present in the United States legally. **LOJA-CASTRO** responded that he did not. SA Swiech asked **LOJA-CASTRO** if he was present in the United States illegally. **LOJA-CASTRO** responded with a Yes. SA Swiech escorted **LOJA-CASTRO** to an area where the rest of the law enforcement team was with other subjects.

7. The Immigration and Customs Enforcement Command Center in Buffalo, NY was contacted. Immigration checks were conducted for **LOJA-CASTRO**. Records checks

revealed that **LOJA-CASTRO** was previously apprehended and removed from the United States in 2024.

8. **LOJA-CASTRO** was taken into immigration custody and turned over to Enforcement and Removal Officers (“ERO”) for processing at the ERO Detention Facility in Buffalo, New York.

9. ERO entered **LOJA-CASTRO**’s fingerprints into the Interagency Fingerprint Identification System (“IAFIS”) database to verify his identity and any immigration history in the United States. This scan resulted in an identical fingerprint match to an FBI and Alien File number.

10. Immigration record checks regarding this Alien File number revealed that **LOJA-CASTRO** was apprehended on or about May 07, 2024, by U.S. Border Patrol in Middleport, NY. **LOJA-CASTRO** was processed and detained at the Buffalo Federal Detention Facility in Batavia, NY pending immigration proceedings. **LOJA-CASTRO** received a final order of removal date on June 5, 2024, and subsequently departed the United States on July 02, 2024 from Alexandria, Louisiana.

11. A review of electronic immigration benefit records and a review of **LOJA-CASTRO**’s Alien File number failed to reveal that **LOJA-CASTRO** had applied for or received requisite permission from the Attorney General or the Secretary for the Department of Homeland Security to reenter the United States.

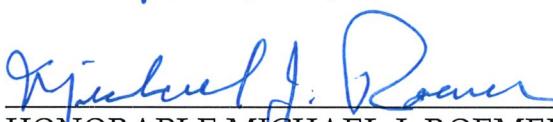
12. Wherefore, I respectfully submit that the foregoing facts establish probable cause to believe that on or about March 26, 2025, **LORENZO ANTONIO LOJA-CASTRO**, an alien, was found in the United States after having been previously deported or removed from the United States, without the requisite permission from the Attorney General of the United States or the Secretary for the Department of Homeland Security, in violation of Title 8, United States Code Section 1326(a).

DAVID T
SWIECH JR

Digitally signed by DAVID T
SWIECH JR
Date: 2025.04.08 16:15:26
-04'00'

David Swiech Jr.
Special Agent
Homeland Security Investigations

Sworn to and subscribed telephonically
on this 9th day of April, 2025.


HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge